

RATE CASE APPEAL IN SUPREME COURT

Able Counsel Represent Both
Sides in Fight Before North
Carolina Tribunal.

THE ISSUE SHARPLY DRAWN

Contentions of Both Sides Clearly
Presented—May Not Be
Decided for a Month.

(Special to The Times-Dispatch.)

RALEIGH, N. C., September 17.—The Supreme Court of North Carolina devoted today to hearing argument by counsel for the Southern Railway Company and the State in the noted appeal of the Southern from the \$50,000 fine imposed on the company by Judge Long in Wake County for violation of the 2-1-4 cent passenger rate act. Argument in support of the appeal was made by Colonel W. B. Rodman and James H. Poirer for the Southern and by ex-Governor Charles B. Aycock, Hon. E. J. Justice and S. G. Ryan for the State, in support of the findings of the trial judge.

The indictment of the Southern Railway Company and Agent T. E. Green, the conviction of both, the release of Green on payment of a nominal fine, with the understanding that he would sell no more tickets at an unlawful rate, and the imposition of the heavy fine of \$50,000 on the Southern for its persistence in the sale of tickets at the excessive rate are all fresh in the minds of the reading public, as are the subsequent sensational prosecution of the Southern and Atlantic Coast Line under the direction of Governor Glenn, whereby the railroad companies were compelled to enter into an agreement whereby the reduced rates would go into effect and the appeals in the State and the United States Courts be carried up in due form and as rapidly as possible.

THE CONTENTIONS.

The Southern Railway pleaded that the Federal court having taken jurisdiction, an injunction having been issued in the rate matter, the State court did not have jurisdiction; that being forced into the trial in the Ticket Agent Green case, it is being deprived of its property without due process of law; that the \$50,000 penalty suits by individuals being prescribed, this rendered null and void any indictment against the road. The State contended that its courts have jurisdiction, and in enforcing criminal law the Federal court cannot interfere, and that under the rate law it has a right to indict for a violation of it. It may be a month or longer before the Supreme Court makes its ruling. Then in the event the Southern of the State is sustained, the Southern will take the case to the United States Supreme Court on a writ of error for final ruling.

WEDDING IN RALEIGH.

Mr. Barbee and Miss Smith Marry and
Leave for Arizona.

(Special to The Times-Dispatch.)
RALEIGH, N. C., September 17.—At noon today Mr. Edgar Whitehead Barbee and Miss Katherine McGee Smith of this city, were united in marriage at the home of the bride's parents, Mr. and Mrs. Samuel T. Smith, on Hillsboro Street, the ceremony being performed by Rev. E. F. Humphreys, D. D., pastor of the Edenton Street Methodist Church. The decorations in the hall and reception-rooms were green and white, and in the drawing-room pink and green, and in the sitting-room where more than four hundred handsome presents were displayed, gold and green.

The only attendant was Miss Effie Rabekah Smith, cousin of the bride, as maid of honor. She wore white lace over tulle, with maidenhair ferns.

The bride's gown was of white crepe satin, and she wore a picture hat and carried a bouquet of roses. Her traveling costume was of blue, with a blue skirt and a blue jacket, with a blue vest and a blue hat.

Mr. Barbee left for a tour west as far as Arizona.

VETERAN LAWYER DEAD.

Colonel L. C. Edwards Passes Away
at Advanced Age.

(Special to The Times-Dispatch.)
OXFORD, N. C., September 17.—Colonel L. C. Edwards, the oldest member of the Oxford Bar, died at his home here this afternoon. He was a native of Person county and moved to Oxford soon after receiving his license. He graduated from the University of North Carolina with distinction and read law in the famous law school of Chief Justice Pearson. He was one of the foremost lawyers of the State in his time. He was twice married, his first wife being a daughter of Mr. James C. Cooper, a prominent planter of Granville, and his second wife a daughter of Dr. P. W. Young, the beloved physician of Oxford.

Both wives are dead, and his nearest relatives are nephews and nieces in this and other counties of the State.

Rev. Mr. Roebuck in Raleigh.

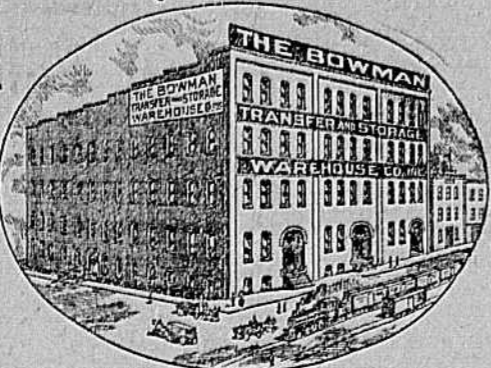
RALEIGH, N. C., September 17.—Rev. J. W. Roebuck, who arrived from Petersburg, Va., to do pastoral work for the congregation of the First Presbyterian Church here until Dr. A. H. Mowbray, the pastor, is sufficiently recovered from typhoid fever to take up the work again. He is now very ill.

Rev. Mr. Roebuck is a native of Ireland county, this State.

Change Place of Stopover.

SPENCER, N. C., September 17.—There is much talk in railroad circles to the effect that on October 1st all

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solicited.

ANTI-SALOON MEN REPORT PROGRESS

Large Attendance at Convention
of National Anti-Saloon
League.

(Special to The Times-Dispatch.)

NORFOLK, Va., September 17.—The meetings of the National Anti-Saloon League were held today in the Free-mason Street Baptist Church. Ninety-six delegates were in attendance, the largest number that have ever attended a convention of the league. Delegates were here from Maine and California, and almost every other State in the Union was represented.

At the forenoon and afternoon meetings, delegates from Alabama, California, Connecticut, Maryland, Delaware, Kentucky, Illinois, Indiana, Iowa, Georgia, Florida and the District of Columbia spoke on the anti-saloon movement in their States. The speakers, without exception, claimed that the temperance movement was making progress in their States, some more, some less, and in many cases maps were displayed, showing the "dry" and "wet" territory in the several States.

The proposed change in the constitution of the league was being discussed this afternoon when a motion was made that the question go over for two years. The motion will be passed on to-morrow.

It was voted to-day to hold biennial conventions of the league, instead of annual, it being the sense of the convention that annual conventions are unnecessary.

Rev. Dr. W. R. Crummett, of Alabama, delivered the president's annual address before the convention. Bishop Wilson, the president, was not present. The report of Dr. P. A. Baker, the national superintendent of the league, was also made to-night.

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PARKER CALLS IT AN ALLIANCE

Attitude of Administration and
Favored Interests Is
Denounced.

UNLAWFUL USE OF MONEY

Party Success Has Been Placed
Above Public Duty by Ad-
ministration.

(Special to The Times-Dispatch.)

"Corporations having favors to ask were invited to contribute, and they did so, knowing full well that when legislation was needed or undesirable legislation was threatened, the head of the organization could be relied upon for assistance; that his statement that this corporation contributed ten or one hundred thousand of the campaign fund would look or unlock the door to legislation or administrative action."—Alton B. Parker in address at Jamestown Exposition.

JAMESTOWN EXPOSITION GROUNDS.

September 17.—Former Judge Alton B. Parker, of New York, Democratic candidate for President of the United States in 1904, and Samuel W. McCall, member of Congress from Massachusetts, principal addresses at the Constitution Day celebration at the Jamestown Exposition to-day. The ceremonies were in commemoration of the 120th anniversary of the adoption of the Federal Constitution by the Convention of 1787, over which George Washington presided.

The weather was ideal and the attendance at the exposition was large. For was read from the President Grover Cleveland, conveying regret at his inability to attend and participate in the exercises of the day, in which he expressed deep interest.

President Tucker introduced Judge Parker as a "man who would rather be right than President."

Judge Parker's Address.

Judge Parker spoke with great force and earnestness. He said in opening: "It is fitting that we gathered together in this place which witnessed the very beginnings of our political life, on the soil of a great State that contributed mightily to the success of the most magnificent struggle for liberty recorded in history, who performed the noblest feat of our nation, the adoption of our dual system of government and furnished to the nation its formative period seven presidents and the head of the national judicial system for many years—fitting that we should consider how it has come about that as a nation we have progressed in commerce, in science, in art, in literature, in wealth and security and strength, and what we owe to those who in supplying it for themselves, supplied to us as their successors, the system of government under which these results have been attained."

New Theory of Government.

"It is not too much to say," said Judge Parker, "that it is proposed to-day here in our land merely with a view to attaining the end of the government, the end of the form of government of these United States of America by the creation of a judicial committee to deal with the subject, by the conferring upon such committee of legislative functions through delegation of power from Congress, and the exercise of the executive and judicial powers of appointment and removal of their members."

"This is actual substitution of another theory of government. This is annulment of the underlying doctrine upon which our existing government is based, and it is to be exercised then by the executive to the exclusion of the legislative and judicial by an expansion beyond its terms; by an expansion beyond its spirit; by an expansion beyond its purpose, of the language of the Constitution."

Further on Judge Parker said:

"But let me say to you that that which which has created the public agitation, so adversely seized upon as a cover for the new theory of government, has an underlying cause in a totally different direction and calling for an entirely different cure. The government which we have inherited is based on an unholy alliance of administration and favored interests. Party success has been placed above public duty, and the money has been sought as well for illegitimate uses as legitimate uses. As the corruption of the government has increased, a demand for money has increased, a demand which long ago outgrew any sum that could be raised by patriotic contributions. So corrupt have the favoring interests become that they have been invited to contribute, and they did so, knowing full well that when legislation was needed or undesirable legislation was threatened, the head of the organization could be relied upon for assistance; that his statement that this corporation contributed ten or one hundred thousand dollars to the campaign fund would look or unlock the door to legislative or administrative action. This has been true in some cities which are Democratic and in others which are Republican. It has for many years been true in some States as well as in others."

Public Officials to Blame.

"In this hour of angry retaliation upon the corporations, an hour in which the innocent suffer with the guilty, we must not forget that public officials are themselves to be blamed. The money was solicited under circumstances of times amounting to a demand, it is accepted, and the obligation, the alliance which arose has cost the people dear. Wisely did Mr. Bryce advise us that 'we should aim to bring as few scandals as possible within the sphere of governmental activity.'"

"To-day what is needed is not to remodel the entire system of government, but to strike the root of the evil. All that is really needed is to make impossible such an alliance in the future. It can be done. When done, we shall have officials who seek and the public welfare. Corporate violators of law will be punished and not screened, and meanwhile honest and 'honest' people will seek to better their condition will no longer fear lest in an hour of public passion their investments or their business may be swept away. The law will be respected, and the excuse for so 'bending' the Federal Constitution as to take away from the States control of their own citizens will be destroyed, and the powers of government will seem to all to be, as they are in reality, properly distributed between the Federal and State governments."

President and Power.

Judge Parker concluded: "The States and the people undertook by the Constitution to fix the boundaries of each of the departments of government, beyond which neither could pass. Upon the executive no legislative or judicial power was conferred, but he was charged to take care that the laws be faithfully executed, and to protect and defend the Constitution of the United States. By what process of reasoning, the Executive has reached the conclusion, that for the various departments of the Federal government to exercise power, and the States and the people, is to protect and defend the Constitution, I know not. That he must have reached it by a subtle and insidious process, I am sure. He has sought to acquire power by deceiving the people. With perfect frankness he states what he thinks ought to be done, and how he proposes it shall be done."

The Contrary View.

"With equal frankness those of us who have widely different views, who believe in the Constitution and revere not alone the memory but the wisdom of its framers, who believe that the people were never intended to be ruled by a few officials who seek and the public welfare. Corporate violators of law will be punished and not screened, and meanwhile honest and 'honest' people will seek to better their condition will no longer fear lest in an hour of public passion their investments or their business may be swept away. The law will be respected, and the excuse for so 'bending' the Federal Constitution as to take away from the States control of their own citizens will be destroyed, and the powers of government will seem to all to be, as they are in reality, properly distributed between the Federal and State governments."

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